

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Walke *et al.*

Group Art Unit: 1647

Application No.: 09/863,823

Examiner: F. Hamud

Filed: 05/23/2001

Atty. Dkt. No.: LEX-0180-USA

Title: Novel Human Proteins and Polynucleotides
Encoding the Same

RENEWED PETITION UNDER 37 C.F.R. § 1.181(a)
REQUESTING WITHDRAWAL OF HOLDING OF ABANDONMENT

Commissioner for Patents
Mail Stop Petition
Alexandria, VA 22313

Sir:

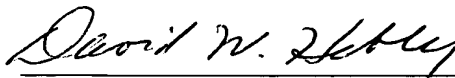
Applicants acknowledge the receipt of the Decision on Petition (“the Decision”) mailed on August 28, 2006, in which the Petition Under 37 C.F.R. § 1.181(a) Requesting Withdrawal of Holding of Abandonment (“the Petition”), filed by Applicants on October 21, 2005, was dismissed for failure to provide a copy of the Petition for Extension of Time filed on January 22, 2004. Applicants apologize for this inadvertent oversight, and provide herewith a copy of the Petition for Extension of Time for three months as originally filed on January 22, 2004 (**Exhibit A**), proof that the Appeal Brief filed on January 22, 2004 in the present case was timely. Applicants therefore renew their request for the withdrawal of the holding of abandonment in the present case.

The Decision sets a two month deadline for filing the present Renewed Petition. The Renewed Petition is thus timely filed, and Applicants believe no fees are due in connection with this Renewed Petition. However, the Commissioner is authorized to charge any required fees or credit any overpayment to Deposit Account No. 50-0892.

Respectfully submitted,

October 6, 2006

Date



David W. Hibler
Agent for Applicants

Reg. No. 41,071

LEXICON GENETICS INCORPORATED
(281) 863-3399

Customer # 24231